

REMARKS

Claims 1-9, 11-17 and 19-41 are amended. Claims 1-41 remain in the application. In view of the following remarks, Applicant respectfully requests that the Office's rejections be withdrawn.

Telephone Discussion with Examiner

Applicant thanks the Examiner for the return telephone call discussing the status of this application. Applicant appreciates the extra time that the Examiner spent reviewing the application and the guidance that the Examiner provided.

Claim Objections

In the present Office Action, the Office indicates a number of typographical errors in the claims. Applicant thanks the Office for its attention to detail. Applicant has amended the claims above to address these objections. The amendments and their purpose should be self-evident from a review of the claims.

Claim 10 is objected to as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicant disagrees. Specifically, claim 5, from which claim 10 depends, recites an "application program interface" and claim 10 recites a network architecture that embodies the application program interface. Accordingly, claim 5 does not require a network architecture, yet claim 10 brings in the notion that the application program interface is part of a network software architecture. As such, claim 10 indeed further defines the subject matter of claim 5.

1 **§ 101 Rejections**

2 **Claims 24-41** stand rejected under 35 U.S.C. § 101 as being directed to
3 non-statutory subject matter. While Applicant disagrees with the Office,
4 particularly in view of the Board's decision in *In re Lundgren* (citation omitted),
5 Applicant has amended the subject claims in the manner suggested by the Office
6 solely for the purpose of expediting prosecution and removing issues from the
7 table.

8
9 **§ 112 Rejections**

10 **Claims 11-17** stand rejected under 35 U.S.C. § 112 as lacking antecedent
11 basis. Again, Applicant thanks the Office for the Office's attention to detail.
12 Applicant has amended this claim set to provide a sufficient antecedent basis.

13
14 **§ 102/103 Rejections**

15 **Claims 1-8, 10-16, 19-22, 24-29, 31-34 and 36-39** stand rejected under 35
16 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,792,605 to Roberts et al.
17 (hereinafter "Roberts").

18 **Claims 9, 17, 18, 23, 30, 35, 40 and 41** stand rejected under 35 U.S.C. §
19 103(a) as being obvious over Roberts in view of U.S. Patent No. 5,987,517 to
20 Firth et al. (hereinafter "Firth").

21
22 **The Claims**

23 **Claim 1** has been amended and, as amended, recites a software architecture
24 for a distributed computing system comprising [added language appears in bold
25 italics]:

- an application configured to handle requests submitted by remote devices over a network;
- an application program interface to present functions used by the application to access network and computing resources of the distributed computing system; *and*
- *a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer.*

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Roberts. While Applicant disagrees, Applicant has clarified this claim to recite a common language runtime layer as indicated above. Support for this amendment can be found in the specification on page 14, line 1 through page 15, line 19 (among other places). Roberts neither discloses nor suggests any such feature. As such, this claim is allowable.

Claims 2-4 are allowable as depending from an allowable base claim.

Claim 5 has been amended and, as amended, recites an application program interface embodied on one or more computer readable media, comprising [added language appears in bold italics]:

- a first group of services related to creating Web applications;
- a second group of services related to constructing client applications;
- a third group of services related to data and handling XML documents; and
- a fourth group of services related to base class libraries; *and further comprising:*
- *a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer.*

1 In making out the rejection of this claim, the Office argues that its subject
2 matter is anticipated by Roberts. While Applicant disagrees, Applicant has
3 clarified this claim to recite a common language runtime layer as indicated above.
4 Support for this amendment can be found in the specification on page 14, line 1
5 through page 15, line 19 (among other places). Roberts neither discloses nor
6 suggests any such feature. As such, this claim is allowable.

7 **Claims 6-10** are allowable as depending from an allowable base claim. In
8 addition, given the allowability of claim 5, the further rejection of claim 9 over
9 Firth is not seen to add anything of significance.

10 **Claim 11** has been amended and, as amended, recites a distributed
11 computer software architecture, comprising [added language appears in bold
12 italics]:

- 13 • one or more applications configured to be executed on one or more
14 computing devices, the ***one or more*** applications handling requests
submitted from remote computing devices;
- 15 • a networking platform to support the one or more applications;
- 16 • an application programming interface to interface the one or more
17 applications with the networking platform; ***and***
- 18 • ***a common language runtime layer that can translate Web
19 applications written in different languages into an intermediate
20 language supported by the common runtime layer.***

21 In making out the rejection of this claim, the Office argues that its subject
22 matter is anticipated by Roberts. While Applicant disagrees, Applicant has
23 clarified this claim to recite a common language runtime layer as indicated above.
24 Support for this amendment can be found in the specification on page 14, line 1
25 through page 15, line 19 (among other places). Roberts neither discloses nor
suggests any such feature. As such, this claim is allowable.

1 **Claims 12-17** are allowable as depending from an allowable base claim. In
2 addition, given the allowability of claim 11, the further rejection of claim 17 over
3 Firth is not seen to add anything of significance.

4 **Claim 18** has been rejected under § 103(a) over the combination of Roberts
5 and Firth. In making out this rejection, the Office argues that the combination
6 would be motivated “to improve the system of Roberts”. See, Office Action, page
7 10, Para. 34. In essence, the Office is arguing that the motivation would make one
8 reference work better or be more efficient. The Office has failed to establish a
9 *prima facie* case of obviousness for at least the following reason—the Office’s
10 motivation is too general and lacking in the type of particularity that describes
11 why the skilled artisan, without knowledge of Applicant’s disclosure, would select
12 the two references and combine them in the manner suggested by the Office.
13 Moreover, the Office’s broadly stated motivation to combine the references could
14 serve as a basis to improperly modify Roberts in a seemingly endless number of
15 ways. As such, the Office has failed to establish a *prima facie* case of obviousness
16 and this claim is allowable.

17 **Claim 19** has been amended and, as amended, recites a system comprising
18 [added language appears in bold italics]:

- 19 • means for exposing a first set of functions that enable browser/server
20 communication;
- 21 • means for exposing a second set of functions that enable drawing
22 and construction of client applications;
- 23 • means for exposing a third set of functions that enable connectivity
24 to data sources and XML functionality; and
- 25 • means for exposing a fourth set of functions that enable system and
runtime functionality; ***and***

- *means for translating Web applications written in different languages into an intermediate language supported by a common runtime layer.*

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Roberts. While Applicant disagrees, Applicant has clarified this claim to recite a common language runtime layer as indicated above. Support for this amendment can be found in the specification on page 14, line 1 through page 15, line 19 (among other places). Roberts neither discloses nor suggests any such feature. As such, this claim is allowable.

Claims 20-23 are allowable as depending from an allowable base claim. In addition, given the allowability of claim 19, the further rejection of claim 23 over Firth is not seen to add anything of significance.

Claim 24 has been amended and, as amended, recites a method *implemented at least in part by a computer*, comprising [added language appears in bold italics]:

- managing network and computing resources for a distributed computing system;
- exposing a set of functions that enable developers to access the network and computing resources of the distributed computing system, the set of functions comprising first functions to facilitate browser/server communication, second functions to facilitate construction of client applications, third functions to facilitate connectivity to data sources and XML functionality, and fourth functions to access system and runtime resources; *and*
- *providing a common language runtime layer that can translate Web applications written in different languages into an intermediate language supported by the common runtime layer.*

1 In making out the rejection of this claim, the Office argues that its subject
2 matter is anticipated by Roberts. While Applicant disagrees, Applicant has
3 clarified this claim to recite a common language runtime layer as indicated above.
4 Support for this amendment can be found in the specification on page 14, line 1
5 through page 15, line 19 (among other places). Roberts neither discloses nor
6 suggests any such feature. As such, this claim is allowable.

7 **Claim 25** is allowable as depending from an allowable base claim.

8 **Claim 26** has been amended and, as amended, recites a method
9 *implemented at least in part by a computer*, comprising [added language appears
10 in bold italics]:

- 11 • creating a first namespace with functions that enable browser/server
12 communication;
- 13 • creating a second namespace with functions that enable drawing and
14 construction of client applications;
- 15 • creating a third namespace with functions that enable connectivity to
16 data sources and XML functionality;
- 17 • creating a fourth namespace with functions that enable system and
18 runtime functionality; *and*
- 19 • *providing a common language runtime layer that can translate*
20 *Web applications written in different languages into an*
21 *intermediate language supported by the common runtime layer.*

22 In making out the rejection of this claim, the Office argues that its subject
23 matter is anticipated by Roberts. While Applicant disagrees, Applicant has
24 clarified this claim to recite a common language runtime layer as indicated above.
25 Support for this amendment can be found in the specification on page 14, line 1
through page 15, line 19 (among other places). Roberts neither discloses nor
suggests any such feature. As such, this claim is allowable.

1 **Claims 27-30** are allowable as depending from an allowable base claim. In
2 addition, given the allowability of claim 26, the further rejection of claim 30 over
3 Firth is not seen to add anything of significance.

4 **Claim 31** has been amended and, as amended, recites a method
5 *implemented at least in part by a computer*, comprising [added language appears
6 in bold italics]:

- 7 • calling one or more first functions to facilitate browser/server
- 8 communication;
- 9 • calling one or more second functions to facilitate construction of
- 10 client applications;
- 11 • calling one or more third functions to facilitate connectivity to data
- 12 sources and XML functionality;
- 13 • calling one or more fourth functions to access system and runtime
- 14 resources; *and*
- 15 • *using a common language runtime layer that can translate Web*
- 16 *applications written in different languages into an intermediate*
- 17 *language supported by the common runtime layer.*

18 In making out the rejection of this claim, the Office argues that its subject
19 matter is anticipated by Roberts. While Applicant disagrees, Applicant has
20 clarified this claim to recite a common language runtime layer as indicated above.
21 Support for this amendment can be found in the specification on page 14, line 1
22 through page 15, line 19 (among other places). Roberts neither discloses nor
23 suggests any such feature. As such, this claim is allowable.

24 **Claims 32-35** are allowable as depending from an allowable base claim. In
25 addition, given the allowability of claim 31, the further rejection of claim 35 over
Firth is not seen to add anything of significance.

1 **Claim 36** has been amended and, as amended, recites a method
2 ***implemented at least in part by a computer***, comprising [added language appears
3 in bold italics]:

- 4 • receiving one or more calls to one or more first functions to facilitate
- 5 browser/server communication;
- 6 • receiving one or more calls to one or more second functions to
- 7 facilitate construction of client applications;
- 8 • receiving one or more calls to one or more third functions to
- 9 facilitate connectivity to data sources and XML functionality;
- 10 • receiving one or more calls to one or more fourth functions to access
- 11 system and runtime resources; ***and***
- 12 • ***using a common language runtime layer that can translate Web***
- 13 ***applications written in different languages into an intermediate***
- 14 ***language supported by the common runtime layer.***

15 In making out the rejection of this claim, the Office argues that its subject
16 matter is anticipated by Roberts. While Applicant disagrees, Applicant has
17 clarified this claim to recite a common language runtime layer as indicated above.
18 Support for this amendment can be found in the specification on page 14, line 1
19 through page 15, line 19 (among other places). Roberts neither discloses nor
20 suggests any such feature. As such, this claim is allowable.

21 **Claims 37-40** are allowable as depending from an allowable base claim. In
22 addition, given the allowability of claim 36, the further rejection of claim 40 over
23 Firth is not seen to add anything of significance.

24 **Claim 41** has been rejected under § 103(a) over the combination of Roberts
25 and Firth. In making out this rejection, the Office argues that the combination
 would be motivated “to improve the system of Roberts”. See, Office Action, page
 10, Para. 34. In essence, the Office is arguing that the motivation would make one

1 reference work better or be more efficient. The Office has failed to establish a
2 *prima facie* case of obviousness for at least the following reason—the Office's
3 motivation is too general and lacking in the type of particularity that describes
4 why the skilled artisan, without knowledge of Applicant's disclosure, would select
5 the two references and combine them in the manner suggested by the Office.
6 Moreover, the Office's broadly stated motivation to combine the references could
7 serve as a basis to improperly modify Roberts in a seemingly endless number of
8 ways. As such, the Office has failed to establish a *prima facie* case of obviousness
9 and this claim is allowable.

10
11 **Conclusion**

12 All of the claims are in condition for allowance. Accordingly, Applicant
13 requests a Notice of Allowability be issued forthwith. If the Office's next
14 anticipated action is to be anything other than issuance of a Notice of Allowability,
15 Applicant respectfully requests a telephone call for the purpose of discussing this
16 application and expediting prosecution.

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18 Respectfully Submitted,

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20 Dated: 2/16/06

21 By: 

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